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PTO/SB/05 (4/98)
Approved for use through 09/30/2000. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Attorney Docket No. AV1-059

First Inventor or Application Identifier William Fuglevand et al.

Title See 1 in Addendum

Express Mail Label No. BY HAND-DELIVERY

APPLICATION ELEMENTS
See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☒ * Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Specification [Total Pages 103]
(preferred arrangement set forth below)
 - Descriptive title of the Invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to Microfiche Appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
3. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 28]
FIGS. 1-28
4. Oath or Declaration [Total Pages 4]
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 C.F.R. § 1.63(d))
(for continuation/divisional with Box 16 completed)
 - i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).

5. ☐ Microfiche Computer Program (Appendix)
6. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Copy
 - b. ☐ Paper Copy (identical to computer copy)
 - c. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

7. ☐ Assignment Papers (cover sheet & document(s))
8. ☐ 37 C.F.R. § 3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
9. ☐ English Translation Document (if applicable)
10. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
11. ☒ Preliminary Amendment
12. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
13. ☐ * Small Entity Statement(s) ☐ Statement filed in prior application
(PTO/SB/09-12) ☐ Status still proper and desired
14. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
15. ☒ Other: Check:
Certificate of Hand-Delivery
Substitute Drwg. Req. (28 sheets)

* NOTE FOR ITEMS 1 & 13 IN ORDER TO BE ENTITLED TO PAY SMALL ENTITY FEES, A SMALL ENTITY STATEMENT IS REQUIRED (37 C.F.R. § 1.27), EXCEPT IF ONE FILED IN A PRIOR APPLICATION IS RELIED UPON (37 C.F.R. § 1.28).

16. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. 09/322,666
Prior application information: Examiner S. Kalafut Group / Art Unit: 1745

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

17. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label 021567 or ☒ Correspondence address below
(Insert Customer No. or Attach bar code label here)

Name	Deepak Malhotra			
	Wells, St. John, Roberts, Gregory & Matkin P.S.			
Address	W. 601 First Avenue, Suite 1300			
City	Spokane	State	WA	Zip Code 99201-3828
Country		Telephone	509-624-4276	Fax 509-838-3424

Name (Print/Type)	Deepak Malhotra	Registration No. (Attorney/Agent)	33,560
Signature	<i>Deepak Malhotra</i>	Date	November 21, 2001

Burden Hour Statement This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231

Time	0000	0005	0010	0015	0020	0025	0030	0035	0040	0045	0050	0055	0100	0105	0110	0115	0120	0125	0130	0135	0140	0145	0150	0155	0200	0205	0210	0215	0220	0225	0230	0235	0240	0245	0250	0255	0300	0305	0310	0315	0320	0325	0330	0335	0340	0345	0350	0355	0400	0405	0410	0415	0420	0425	0430	0435	0440	0445	0450	0455	0500	0505	0510	0515	0520	0525	0530	0535	0540	0545	0550	0555	0600	0605	0610	0615	0620	0625	0630	0635	0640	0645	0650	0655	0700	0705	0710	0715	0720	0725	0730	0735	0740	0745	0750	0755	0800	0805	0810	0815	0820	0825	0830	0835	0840	0845	0850	0855	0900	0905	0910	0915	0920	0925	0930	0935	0940	0945	0950	0955	1000	1005	1010	1015	1020	1025	1030	1035	1040	1045	1050	1055	1100	1105	1110	1115	1120	1125	1130	1135	1140	1145	1150	1155	1200	1205	1210	1215	1220	1225	1230	1235	1240	1245	1250	1255	1300	1305	1310	1315	1320	1325	1330	1335	1340	1345	1350	1355	1400	1405	1410	1415	1420	1425	1430	1435	1440	1445	1450	1455	1500	1505	1510	1515	1520	1525	1530	1535	1540	1545	1550	1555	1600	1605	1610	1615	1620	1625	1630	1635	1640	1645	1650	1655	1700	1705	1710	1715	1720	1725	1730	1735	1740	1745	1750	1755	1800	1805	1810	1815	1820	1825	1830	1835	1840	1845	1850	1855	1900	1905	1910	1915	1920	1925	1930	1935	1940	1945	1950	1955	2000	2005	2010	2015	2020	2025	2030	2035	2040	2045	2050	2055	2100	2105	2110	2115	2120	2125	2130	2135	2140	2145	2150	2155	2200	2205	2210	2215	2220	2225	2230	2235	2240	2245	2250	2255	2300	2305	2310	2315	2320	2325	2330	2335	2340	2345	2350	2355	2400	2405	2410	2415	2420	2425	2430	2435	2440	2445	2450	2455	2500	2505	2510	2515	2520	2525	2530	2535	2540	2545	2550	2555	2600	2605	2610	2615	2620	2625	2630	2635	2640	2645	2650	2655	2700	2705	2710	2715	2720	2725	2730	2735	2740	2745	2750	2755	2800	2805	2810	2815	2820	2825	2830	2835	2840	2845	2850	2855	2900	2905	2910	2915	2920	2925	2930	2935	2940	2945	2950	2955	3000	3005	3010	3015	3020	3025	3030	3035	3040	3045	3050	3055	3100	3105	3110	3115	3120	3125	3130	3135	3140	3145	3150	3155	3200	3205	3210	3215	3220	3225	3230	3235	3240	3245	3250	3255	3300	3305	3310	3315	3320	3325	3330	3335	3340	3345	3350	3355</
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**FEE TRANSMITTAL
for FY 2002**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 3668.00**Complete if Known**

Application Number	Filed Herewith
Filing Date	
First Named Inventor	William Fuglevand et al.
Examiner Name	S. Kalafut
Group Art Unit	1745
Attorney Docket No.	AV1-059

METHOD OF PAYMENT

- 1.
- ☐
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
Number

23-0925

Deposit
Account
Name

Wells, St. John, et al.

- ☒
- Charge Any Additional Fee Required
-
- Under 37 CFR 1.16 and 1.17

- ☐
- Applicant claims small entity status
-
- See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:**

- ☒
- Check
- ☐
- Credit card
- ☐
- Money
-
- Order
- ☐
- Other

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	740.00
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
122	-20** = 102	18.00	1836.00
16	-3** = 13	84.00	1092.00
Multiple Dependent			0.00

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$)2928.00

**or number previously paid, if greater; For Reissues, see above


FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify)					
SUBTOTAL (3)					(\$) 0.00

*Reduced by Basic Filing Fee Paid

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Deepak Malhotra	Registration No. (Attorney/Agent)	33,560	Telephone	509/624-4276
Signature		Date	November 21, 2001		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Priority Application Serial No. 09/322,666
Priority Filing Date May 28, 1999
Inventor William Fuglevand et al.
Assignee Avista Laboratories, Inc.
Priority Group Art Unit 1745
Priority Examiner S. Kalafut
Attorney's Docket No. AV1-059
Title: Fuel Cell Power Systems and Methods of Controlling a Fuel Cell Power System

CERTIFICATE OF HAND-DELIVERY

I hereby certify that on November 23, 2001, I hand-delivered the below-listed application papers to

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

in connection with filing the patent application as listed above. The papers hand-delivered are as follows:

1. Return Postcard Receipt
2. A \$3668 check
3. PTO Utility Application Transmittal Form (PTO/SB/05)
4. Fee Transmittal Form (PTO/SB/17)
5. 103 pages of Specification, Claims and Abstract plus title page of priority application
6. Inventors' Declaration (copy from priority application)
7. 28 sheets of formal drawings (Figs. 1-28) from priority application
8. Substitute Drawing Request with 28 sheets of substitute formal drawings (Figs. 1-28)
9. Preliminary Amendment
10. Certificate of Hand-Delivery of Patent Application Papers

Dated this 23 day of November, at _____

Sunny Downs
Sunny Downs